IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.721 OF 2005

IN

SUMMARY SUIT NO.2749 OF 2005

The Indian Hotels Co.Ltd. ...Plaintiff

vs.

Ayesha Shroff. ...Defendant.

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Mr.Z.Andhyarujina i/b. Udwadia & Udeshi, for Plaintiff.

Mr.Sanjay Mishra, for Defendant.

**CORAM: D.K.DESHMUKH,J.**

**DATED: 5th June, 2006.**

**P.C.**:-

1. The defendant has been served with the summons for judgment on 4.1.2006. Plaintiff undertakes to file affidavit of service within one week from today. The learned Counsel appearing for Defendant initially refuted that the summons for judgment has been served on the defendant. The learned Counsel appearing for plaintiff has shown the acknowledgment to the learned Counsel appearing for Defendant. Then he admitted that the summons for judgment has

been served on the defendant. No affidavit seeking leave of the Court to defend the suit has been filed. There is no application filed seeking extension of time to file affidavit seeking leave of the Court to defend the suit. In terms of provisions of Order 37 of C.P.C. failure of the defendant to file affidavit seeking leave of the Court to defend the suit within a period mentioned in the provision, entitles the plaintiff to a decree.

2. I have perused the record. Heard the learned Counsel appearing for the plaintiff. The summons for judgment is granted. The suit is decreed in terms of prayer clause (a), (b) and (c).

Refund of Court fees as per rules.

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